

The divorce laws need to be updated to recognize the realities of today's society and I appreciate your efforts today to speak on this important matter. Today I hope to use my story to highlight some of the egregious problems of our current system and to propose some fixes.

I was divorced late last year and the guardian ad litem though acknowledging that I was a great father said that the mother was more nurturing and that my 14 year old son needed nurturing and therefore not only would she get custody but was free to move him out of state. It is my understanding that 87% the custody cases go to the mother. Is anybody else shocked that in an age of supposed enlightenment and gender equality that one gender is found to be the better parent at a rate of 7:1? Unless there are extraordinary circumstances shared 50/50 custody should be the norm.

At my divorce settlement my ex-spouse received 2/3 of my base pay in alimony and child support while living in a city where the cost of living is 40% lower and this is to continue for 12 years. In addition I have many additional court ordered expenses that come out of my remaining funds including paying 100% of college expenses, and health care insurance for my three kids. She is college educated and has declared she could easily get a job in her profession but has chosen not to.

There are some fundamental problems with the philosophy behind this large redistribution of wealth that most reasonable people can agree need to be fixed, they are:

1. The current system allows for a non-working spouse to not only continue not working but in many cases permit living at a higher standard of living than the working spouse. There are many stories of a non-working spouse hiring maids and lawn care crews to take care of their house then jetting off for expensive vacations while the working spouse is living in a trailer park working 2 jobs trying to make ends meet. Should an ex-spouse who refuses to work, spends her days on Facebook and reading novels have a higher standard of living than the one working full time and taking full financial responsibility for the kids?
2. We need to eliminate the idea that just because somebody didn't have to work for a period of time they are entitled to continue not working. I think most of us would say, "Hey, you had it lucky that you didn't have to work for the last X years. Now things have changed it won't hurt you to work like the rest of us."
3. We need to recognize that imbalances in income often occur because of choices we make such as education and selection of professions. Yes, if you are a school teacher and married a physician you are going to have a material lifestyle far greater than a typical teacher. However, this shouldn't guarantee a lifelong lifestyle of living like a physician. There are reasons why one would choose to go into teaching, clearly money isn't one of them.
4. Once the divorce is finalized there shouldn't be an option for the non-working spouse to continually come back for raises. If the working spouse wants to work two jobs, change professions, or work harder for a larger bonus, he or she should be able to enjoy those rewards without sharing.
5. The current system of setting the alimony duration based on the marriage duration has some perverse disincentives. One should not be penalized for sticking out a situation longer either because they are trying to resolve the marital issues or because of advantages to the children.

The suggested fix to the current system is to move away from awarding "Permanent Alimony" and replacing with "Rehabilitative Alimony" whereby payments are provided to facilitate a transition. This gives the non-working spouse a chance to get on his or her feet. This could allow support until the kids are old enough to enter school, or time to get a college degree, or time to reestablish a dormant career. This moves away from the free ride of permanent alimony and gives the receiving spouse a chance take care of their selves. This promotes both spouses becoming productive (and tax paying) members of society.

Clearly there can and will be exceptional circumstances, such as disability, that would warrant exceptions to any conceivable rule. However, the goal should be to really separate the two parties in short order and allow them to build and live their lives as they desire without one spouse being entitled to a share the other's labors. Thank you for allowing me to participate in this discussion on how to fix a clearly flawed system.

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